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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ELOY ORTIZ OAKLEY, in his official capacity as Chancellor of California Community Colleges et al.,

Plaintiffs,
v.

MIGUEL CARDONA, in his official capacity as the United States Secretary of Education¹; U.S. DEPARTMENT OF EDUCATION.

Defendants.

Case No. 4:20-cv-3215-YGR

**JOINT STATUS REPORT AND
STIPULATED REQUEST TO
CONTINUE HOLDING
PROCEEDINGS IN ABEYANCE**

Judge: Honorable Yvonne Gonzalez Rogers
Trial Date: None Set
Action Filed: May 11, 2020
Hearing date: [in abeyance]

The parties respectfully submit this joint status report pursuant to the Court's Order of February 8, 2021, and further stipulate, and respectfully request, that the Court continue to hold proceedings in this action in abeyance. The parties have conferred and report as follows:

Following the change in Department leadership on January 20, 2021, the Department continues to work towards publishing a final rule or taking other action to address the issues raised in comments submitted regarding the IFR at issue in this case. In light of the Department's continuing consideration, counsel for Defendants conferred with counsel for Plaintiffs, and the

¹ Pursuant to Fed. R. Civ. P. 25(d), Miguel Cardona is automatically substituted as a defendant in this action.

1 Parties have agreed and jointly request that proceedings in this case be held in abeyance for an
2 additional sixty days.² The Parties further agree and propose that, at the end of this sixty-day
3 period, the Parties will file a joint status report apprising the Court of the status of the
4 Department's consideration and whether the Parties wish to proceed with briefing cross-motions
5 for summary judgment, including, if applicable, a revised briefing schedule.

6 The Parties thus respectfully request that the Court continue to hold proceedings in this
7 action in abeyance and order the parties to file a joint status report no later than sixty days from
8 the date of the Court's order, apprising the Court of the status of the Department's consideration
9 and whether the Parties wish to proceed with briefing cross-motions for summary judgment,
10 including, if applicable, a revised briefing schedule.

12 Dated: April 9, 2021

13 Respectfully submitted,

14 BRIAN M. BOYNTON
15 Acting Assistant Attorney General

16 MARCIA BERMAN
17 Assistant Director, Federal Programs Branch

18 /s/ Kathryn L. Wyer
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25 Dated: April 9, 2021

26 MATTHEW RODRIQUEZ
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² Three other pending cases, one in the Eastern District of Washington, and two in the District of Massachusetts, also challenging the IFR, have also been held in abeyance. *See Washington v. Cardona*, No. 2:20-cv-182 (E.D. Wash.); *Noerand v. Cardona*, No. 1:20-cv-11271 (D. Mass.); *Massachusetts v. Cardona*, No. 1:20-cv-11600 (D. Mass.).

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/s/
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*Attorneys for Plaintiffs Eloy Ortiz Oakley and
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Colleges*

ATTORNEY ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I, Kathryn Wyer, hereby attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: April 9, 2021

/s/Kathryn Wyer
Kathryn Wyer

[PROPOSED] ORDER APPROVING STIPULATION

On April 9, 2021, the Parties filed a Joint Status Report and Stipulated Request to Continue Holding Proceedings in Abeyance. Upon this submission and stipulation of the Parties, and good cause appearing, IT IS HEREBY ORDERED THAT proceedings in this action continue to be held in abeyance. The Parties shall file a Joint Status Report no later than sixty days from the date of this Order, apprising the Court of the current status of the Department's consideration; whether the Parties wish to proceed with briefing cross-motions for summary judgment; and, if applicable, proposing a revised briefing schedule.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

The Honorable Yvonne Gonzalez Rogers
United States District Judge